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AUG 24 2005

OFFICE OF PETITIONS

In re Application of	:	
John K. Walton et al.	:	
Application No. 10/022,080	:	DECISION ON PETITION
Filed: December 13, 2001	:	37 CFR 1.137(b)
Attorney Docket No. EMC-01-153	:	

This is a decision on the petition under 37 CFR §1.137(b), submitted August 18, 2004, to revive the above-identified application.

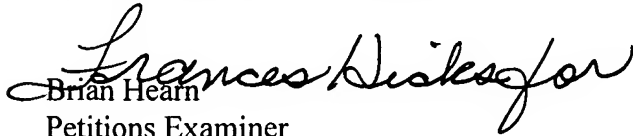
The petition is **GRANTED**.

This application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance and Fee(s) Due mailed March 25, 2003, which set a statutory period for reply of three (3) months. A Notice of Allowability was mailed on March 24, 2003 requiring formal drawings. The Notice of Allowability set a statutory period of three (3) months to comply with the requirements of the instant Notice. Accordingly, the application became abandoned for failure to submit the issue fee on June 26, 2003 (Saturday), deferred until the next business day on June 28, 2003 (Monday). The applicant filed a response on July 29, 2003 requesting reconsideration of the drawing requirement. A Supplemental Notice of Allowability was mailed in reply to the response, without restarting the statutory period, accepting the originally filed drawings. A Notice of Abandonment was mailed on July 30, 2003 to the address of record.

The petition therefore satisfies the conditions for revival pursuant to the provisions of 37 CFR §1.137(b) in that (1) the issue fee (\$1330) at the time of filing the petition; (2) the petition fee of \$1330.00 (for a large entity) at the time of filing the petition; and (3) the required statement of unintentional delay have been received. The application was filed with a nonpublication request in compliance with 37 CFR 1.211, and was not charged a publication fee. Accordingly, the reply to the Notice of Allowance mailed March 25, 2003 is accepted as having been unintentionally delayed.

This matter is being referred to the Office of Patent Publications to be processed into a patent.

Telephone inquiries concerning this decision should be directed to Angela Ortiz at (571) 272-6051, or in her absence, the undersigned at (571) 272-3217.

A handwritten signature in cursive script, appearing to read "Frances Hearn" or similar, written over the printed name.

Brian Hearn

Petitions Examiner

Office of Petitions

Office of the Deputy Commissioner
for Patent Examination Policy